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3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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6
7 AVIVA PLC,

No. C 13-00711 SI

8 Plaintiff,

ORDER TO FILE STATUS STATEMENT

9 v.

10 THE FLINTKOTE COMPANY,

11 Defendant.
12 _____/

13 On May 14, 2013, this Court stayed determination of defendant Flintkote's motion to dismiss,
14 or transfer, or stay this action in light of the first-filed case pending between the parties in District Court
15 of Delaware. *See Flintkote Company v. Aviva PLC*, Case No. 13-cv-00103-LPS, District Court
16 Delaware. The stay was issued because the question of whether the first-filed Delaware case was
17 properly filed in Delaware, or should instead be transferred to California under the anticipatory
18 exception to the first-filed doctrine, was then fully briefed and before the District Court of Delaware for
19 determination on Aviva's motion to dismiss for improper venue. *See* Case No. 13-cv-00103-LPS,
20 Docket Nos. 13, 16, 20. The parties were ordered to file a notice within five (5) days after the Court in
21 Delaware issued its order on the motion to dismiss for improper venue, informing this Court of the
22 ruling in Delaware.

23 To date, this Court has received no notice of ruling, or other action by the Delaware court.
24 Accordingly, the parties are ORDERED to file a Joint Status Statement on or before September 20,
25 2013, informing this Court of the status of the Delaware action.

IT IS SO ORDERED.

26 Dated: September 10, 2013



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SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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